

**ZONING COMMITTEE
MINUTES
WEDNESDAY, SEPTEMBER 29, 2010**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, September 29, 2010** in Committee Room #2, at 9:40 a.m.

The following members were present:

**The Honorable Aaron Watson, Chair
The Honorable Howard Shook
The Honorable Carla Smith
The Honorable Keisha Lance Bottoms
The Honorable Ivory Lee Young, Jr.
The Honorable Cleta Winslow, Vice Chair**

Others present at the meeting were: Zoning Administrator, Charletta Wilson Jacks, Department of Planning and Community Development; City Attorney Jeffery Heymore and members of the public and Council staff.

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

10-O-1741 (1)
Z-10-24 An Ordinance by Zoning Committee to rezone property from the RG-3 (Residential General-Sector 3) District to the C-1 (Community Business) District, for property located at **2045 Graham Circle, SE.** Property fronting 150 feet on the southwesterly side of Graham Circle and 199.3 feet on the northwest right-of-way of Fayetteville Road.

Depth:	184 Feet
Area:	Approximately 0.587 Acre
Land Lot:	147, 15 th District, DeKalb County, Georgia
Owner:	CHRIS Properties Graham Circle, Inc.
Applicant:	Jonathan R. Toppen
NPU-W	Council District 5

**FAVORABLE - TO BE REFERRED TO ZRB AND
ZONING COMMITTEE**

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C. ORDINANCES FOR FIRST READING (CONT'D)

10-O-1742 (2)
Z-10-25 An Ordinance by Zoning Committee to rezone property from the R-4 (Single-Family Residential) District and C-1 (Community Business) to the C-1 (Community Business) District, for property located at **3041 Piedmont Road, NE.** Property fronting 75 feet on the west side of Piedmont Road.

Depth: Varies
Area: Approximately 0.55 Acre
Land Lots: 46 and 61, 17th District, Fulton County, Georgia

Owner: Stephen and Carol Adams

Applicant: Lawrence E. Roberts

NPU-B

Council District 7

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

10-O-1743 (3)
Z-10-26 An Ordinance by Zoning Committee to rezone property from the R-3 (Single-Family Residential) District to the RG-3 (Residential General-Sector 3) District, for property located at **3459 Roxboro Road, NE.** Property fronting approximately 75 feet on the north side of Roxboro Road.

Depth: Varies
Area: Approximately 0.43 Acre
Land Lot: 9, 17th District, Fulton County, Georgia

Owner: Avi Manohar

Applicant: Yasha Heidari

NPU-B

Council District 7

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

10-O-1744 (4)
Z-10-27 An Ordinance by Zoning Committee to rezone property from the I-1 (Light Industrial), R-5 (Two-Family Residential) and I-2 (Heavy Industrial) Districts to the I-2 (Heavy Industrial) District, for property located at **2100 Forest Park Road, SE.** Property fronting approximately 395 feet on the east side of Forest Park Road and southern boundary of approximately 1,020 feet adjacent to the Southern Railroad.

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C. ORDINANCES FOR FIRST READING (CONT'D)

Depth:	Varies
Area:	Approximately 6.0 Acres
Land Lot:	6, 14 th District, Fulton County, Georgia
Owner:	David F. Cooper
Applicant:	David F. Cooper
NPU-Z	Council District 1

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

10-O-1745 (5)
U-10-31

An Ordinance by Zoning Committee granting a Special Use Permit under the provisions of Section 16-18A.006 for a Church, property located at **335 Peachtree Center Avenue (353 Peachtree Street) and 303 Peachtree, NE**, fronting approximately 122 feet on the east side of Peachtree Center Avenue and at the intersection of Peachtree Street and Ralph McGill Boulevard.

Depth:	176.40 Feet
Area:	Approximately 0.461 Acre
Land Lot:	50, 14 th District Fulton County, Georgia
Owner:	Most Revered Wilton D. Gregory, S.L.D. as Archbishop of the Roman Catholic Archdiocese
Applicant:	Dennis W. Kelly
NPU-M	Council District 2

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

D. ZRB SUMMARY REPORT

E. ORDINANCE FOR SECOND READING

10-O-1736 (1) An Ordinance by Councilmember Alex Wan authorizing the installation of Public Art at 1019 Virginia Avenue, NE, as pursuant to Code Section 16-28.025 of the 1982 Zoning Ordinance of the City of Atlanta; and for other purposes.

Councilmember Winslow made a motion to approve. The vote was unanimous.

FAVORABLE

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F. PAPERS HELD IN COMMITTEE

10-O-0013 (1)
Z-07-113 An Ordinance by Councilmember Aaron Watson **as substituted and amended by Zoning Committee** to rezone from the I-1-C (Light Industrial-Conditional) District to the MRC-3 (Mixed Residential Commercial) District, property located at **430 and 460 Englewood Avenue, SE**, fronting approximately 678 feet on the north side of Englewood Avenue beginning approximately 132 feet from the northeast corner of Mailing Avenue. **(Substituted as amended and held 1/13/10 at the request of the District Councilmember)**

Depth: Approximately 1,010 Feet

Area: Approximately 10.32 Acres

Land Lot: 42, 14th District, Fulton County, Georgia

Owner: JWGST LLC/Joseph Wiles

Applicant: Jason Fritz

NPU-Y

Council District 1

HELD

10-O-0018 (2)
Z-08-73 An Ordinance by Councilmember Aaron Watson **as substituted and amended by Zoning Committee** to rezone from the R-4 (Single Family Residential) and NC-2 (Neighborhood Commercial) Districts to the NC-2 (Neighborhood Commercial) District, properties located at **1146 Portland Street, SE, 1152 Portland Street, SE, 1131 Glenwood Avenue, SE, 1137 Glenwood Avenue, SE 525/527 Moreland Avenue, SE, 529 Moreland Avenue, SE, 535 Moreland Avenue, SE and 537 Moreland Avenue, SE**, fronting approximately 250 feet on the north side of Portland Avenue, approximately 300 feet on the west side of Moreland Avenue and approximately 250 feet on the south side of Glenwood Avenue. **(Substituted and held 1/13/10 at the request of the District Councilmember)**

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

10-O-0035 (3)
U-09-22 An Ordinance by Councilmember Aaron Watson granting a Special Use Permit for a Day Care Center pursuant to Section 16-08.005 (l) (b) for property located at **3751 Martin Luther King, Jr. Drive, SW**, fronting approximately 165 feet on the southeasterly side of Martin Luther King, Jr. Drive at the northeastern intersection of Martin Luther King, Jr. Drive and Bolton Road. **(Held 1/27/10 at the request of the District Councilmember)**
Depth: Varies
Depth: Varies
Area: Approximately 5.8 Acres
Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Charitable Connections, Inc.
Applicant: Charitable Connections, Inc./Michelle R. Uchiyema

NPU-H

Council District 10

HELD

10-O-0031 (4)
U-09-17 An Ordinance by Councilmember Aaron Watson **as amended by Zoning Committee** granting a Special Use Permit for a Personal Care Home pursuant to Section 16-08.005 (1)(f) for property located at **762 Bender Street, SW**, fronting approximately 60 feet on the east side of Bender Street, at the southeast corner of Bender Street and Stephens Street. **(Amended and held 2/24/10 at the request of the Councilmember of the District)**
Depth: Varies
Area: Approximately 0.147 Acre
Land Lot: 86, 14th District, Fulton County, Georgia
Owner: Deborah L. Turner
Applicant: Deborah L. Turner

NPU-V

Council District 4

HELD

SUMMARY REPORT
September 29, 2010

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
<u>FAVORABLE</u>						
10-O-1170	Z-10-14	418 Morgan Place, S.E.	R-75 (DeKalb County) to R-4 (City of Atlanta)	Approval	Approval	Approval
10-O-1460	Z-10-22	31 Anderson Avenue, N.W. (aka 1821 Anderson Avenue, N.W. and aka Tax Parcel Identification 14- 0174LL020 J-3	R-4 and O-1 to RG-3	Approval	Approval Conditional	Approval
Councilmember Winslow made a motion to approve. The vote was unanimous.						
<u>FAVORABLE</u>						
<u>AS AMENDED</u>						
10-O-0961	U-10-19	2392 Donald Lee Hollowell Parkway, N.W. J-9	Special Use Permit for a Day Care Center	Approval Conditional	Approval	Approval Conditional
10-O-1476	U-10-27	4300 Northside Drive, N.W. A-8	Special Use Permit for Prekindergarten/Kinder- garten	Approval Conditional	Approval	Approval Conditional
10-O-1477	U-10-28	2961-2965 Jonesboro Road, S.E. Z-12	Special Use Permit for a Church	Approval Conditional	Approval Conditional	Approval Conditional
10-O-1459	U-10-30	31 Anderson Avenue, N.W. (aka 1821 Anderson Avenue, N.W. and aka Tax Parcel Identification 14- 0174LL020 J-3	Special Use Permit for a Nursing Home	Approval Conditional	Approval Conditional	Approval Conditional
10-O-0957	Z-10-11	300 and 306 Ponce de Leon Avenue, N.E. and 679 Argonne Avenue, N.E. E-6	C-2 to MRC-2-C	Approval Conditional	Approval	Approval Conditional

Councilmember Winslow made a motion to approve as amended. The vote was unanimous.

SUMMARY REPORT
September 29, 2010

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
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FAVORABLE

ON

SUBSTITUTE

10-O-1339	Z-10-17	SPI-9 Buckhead Village Overlay District Regulations B-7	Text Amendment	Approval	Approval	Approval of a Substitute Ordinance
10-O-1340	Z-10-18	SPI-9 Buckhead Village Special Public Interest-Sign Ordinance B-7	Text Amendment	Approval	Approval	Approval of a Substitute Ordinance

Councilmember Shook made a motion to approve on substitute. The vote was unanimous.

10-O-1341	Z-10-19	SPI-21 Historic West End/Adair Park	Text Amendment- Prohibition of Pawn Shops	Approval	Approval	Approval of a Substitute Ordinance
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Councilmember Winslow made a motion to approve on substitute. The vote was unanimous.

ADVERSE

10-O-0895	U-10-15	1617 Athens Avenue, S.E. X-12	Special Use Permit for a Daycare Center	Denial	No Action Taken	Denial
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Councilmember Winslow made a motion to adverse. The vote was unanimous.

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F. PAPERS HELD IN COMMITTEE (CONT'D)

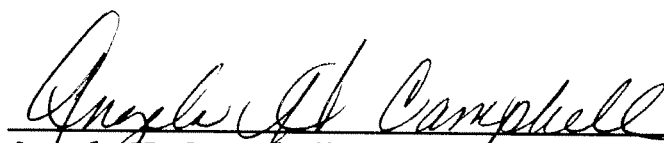
10-O-1473 (5)
U-10-24 An **Amended** Ordinance by Zoning Committee granting a Special Use Permit under the provisions of Section 16-06.005(l)(g) for a Personal Care Home, property located at **2695 Dodson Terrace, SW**, fronting 75 feet on the north side of Dodson Terrace and approximately 480 feet west of the intersection of Dodson Terrace and Dodson Drive. **(Held 9/29/10) (Held at the request of the District Councilmember)**

Depth:	Varies
Area:	Approximately 0.2894 Acre
Land Lot:	199, 14 th District, Fulton County, Georgia
Owner:	Nnenna M. Ekeke
Applicant:	Nnenna M. Ekeke
NPU-R	Council District 11

I. LINK TO ZRB PENDING LEGISLATION
<http://citycouncil.atlantaga.gov/2010/pendingzrb.htm>

There being no further business to come before the Zoning Committee the meeting was adjourned at 9:58 a.m.

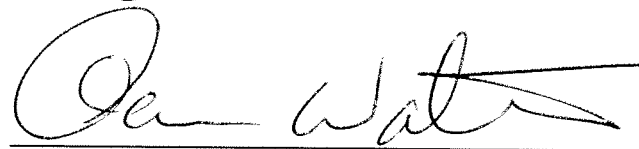
Respectfully submitted:



Angela H. Campbell, Legislative Assistant



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Aaron Watson, Chair